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Group Art Unit: 2613

Examiner: VO, Tung T.

Supervisory Examiner: Chris Kelley

Fax: (571) 273-8300

UNITED STATES PATENT AND TRADEMARK OFFICE

Phone: (571) 272-7340

Alt: (571) 272-7331

Pages: Cover + 1 + 3 = 5

Date: November 27, 2006

From: Georgann S. Grunebach

Fax: (310) 964-0941

Assistant General Counsel

Phone: (310) 964-4615

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Georgann S. Grunebach, Reg. No. 33,179
(Printed Name of Depositor)November 27, 2006
(Date of Signature)

Attention: Commissioner for Patents

Attorney Docket No. PD-201157

Please find attached Re:

Serial No.: 10/074,765

Filed on: February 12, 2002

- TRANSMITTAL FORM PTO/SB/21 (1 page)
- REPLY BRIEF IN RESPONSE TO EXAMINER'S ANSWER DATED SEPTEMBER 26, 2006 (3 pages)

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PTO/SB/21 (09-06)

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FORM**

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Total Number of Pages in This Submission

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Application Number 10/074,765

Filing Date February 12, 2002

First Named Inventor Ashish Benerji

Art Unit 2813

Examiner Name VO, Tung

Attorney Docket Number PD-201157

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33,179

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Date: November 27, 2006


 Georgann S. Grunebach, Reg. No. 33,179

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	Ashish BANERJI et al.) Examiner:	Vo, T.
		:	
Application No.:	10/074,765)	
		:	Group Art Unit: 2613
Filed:	February 12, 2002)	
		:	
For:	SYSTEM AND METHODOLOGY FOR VIDEO COMPRESSION)	November 27, 2006
		:	

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed September 26, 2006.

I. THE EXAMINER CONTINUES TO MISCONSTRUE THE CLAIMED VIDEO DATA SET

For example, claim 1 recites "grouping video frames that are only between consecutive I-frames into a video data set." Claim 21 recites "splitting the video data set consisting of non-intra video frames into a plurality of data sequences."

The Examiner fails to appreciate that the GOP (which is equated to the claimed video set) of the *Gonzales et al.* system does contain "video frames that are only between consecutive I-frames" because the GOP includes I-frames (as well as frames that are between the I-frames). By the Examiner's own admission the GOP is inclusive of I-frames, and thus,

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cannot be the claimed video data set. To mitigate this contradiction, the Examiner's appears to offer two theories: (1) the I-picture can be defined as an inter, rather than an "intra" picture; and (2) the claim term "only" is inherently included.

As to the first theory, the Examiner's Answer, on page 11, now states "each GOP must start with an I-picture/frame, which is non-intra picture/frame as inter picture/frame." At best as understood, the Examiner is suggesting that the I-picture can be an "inter picture/frame." However, there is no support in *Gonzales et al.* for such an interpretation; rather, *Gonzales et al.* defines, within col. 3, lines 34-49, the GOP and I-frame as follows (Emphasis Added):

Within a GOP, three types of pictures can appear. The distinguishing difference among the picture types is the compression method used. **Intramode pictures or I-pictures** are compressed independently of any other picture. Although there is no fixed upper bound on the distance between I-pictures, it is expected that they will be interspersed frequently throughout a sequence to facilitate random access and other special modes of operation. **Each GOP must start with an I-picture and additional I-pictures can appear within the GOP.** The other types of pictures, predictively motion-compensated pictures (P-pictures) and bidirectionally motion-compensated pictures (B-pictures), will be described in the discussion on motion compensation below. A general illustration is shown in FIG. 5.

Thus, there is no support for the semantic maneuvers of the Examiner – i.e., an I-picture is an **intramode** picture, not an "inter"mode picture as suggested by the Examiner. Although the Examiner is entitled to give claims their broadcast reasonable interpretation, this doctrine does not extend to reading the references broadly.

The *Wu et al.* reference also adopts the standard definition of GOP. Accordingly, the GOP in the *Wu et al.* system cannot be the claimed video data set, as the GOP includes I-frames.

With respect to the second point, the Examiner's argument is without any legal basis in drawing the conclusion that "the term only is inherently included when grouping the video frames is set [sic]." Appellant is not certain what the Examiner is arguing; however, it appears that the Examiner is attempting to justify ignoring the term "only." Under this theory, the notion

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that the term "only" is an inherent feature would negate use of such qualifiers in the first place. This has no grounding in the patent laws and rules for such a construction.

Regarding claim 21, the Examiner again reads out a claim term, that of "consists of." The claimed video data set "consists of non-intra frames." This closed term defines the video data set in a restricted manner, excluding intra frames. Nevertheless, the Examiner persists in equating the GOP, which includes I-frames, to the claimed video data set.

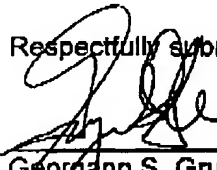
II. THE EXAMINER HAS NOT SHOWN THAT THE DEFICIENCIES OF *WU ET AL.* ARE MET BY MORONEY ET AL.

For example, claim 10 recites use of "a YK algorithm." The Examiner's Answer simply concludes, on pages 14-15, that "wherein the grammar encoding would obviously have YK algorithm to encode the homogeneous files." A detailed study of the *Moroney et al.* references reveals no mention of even the terms "YK algorithm," much less in the context of the claims. The Examiner has not provided the necessary evidentiary support required to establish a *prima facie* case of obviousness.

III. CONCLUSION

Appellant, therefore, requests the Honorable Board to reverse the Examiner's rejection.

Respectfully submitted,


Georgann S. Grunebach
Attorney for Applicant
Registration No. 33,179

The DIRECTV Group, Inc.
CA/LA1/A109
2230 E. Imperial Highway
P. O. Box 956
El Segundo CA 90245

Telephone No. (310) 964-4615